

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *g* D.C.

05 MAY -2 PM 4:43

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

DOROTHEA P. MARTIN,)	
)	
Plaintiff,)	
)	
vs.)	No. 04-2413 Ma/V
)	
GREYHOUND LINES, INC.,)	
)	
Defendant.)	

ORDER GRANTING DEFENDANT'S MOTION TO COMPEL PLAINTIFF TO GIVE A
DEPOSITION AND FOR RELIEF FROM SCHEDULING ORDER

Before the court is the April 4, 2005 motion of the defendant, Greyhound Lines, Inc., requesting that the court enter an order compelling the plaintiff, Dorothea P. Martin, to give her deposition. The motion was referred to the United States Magistrate Judge for determination. For the following reasons, the motion is granted.

Martin's deposition was scheduled for January 19, 2005, in Memphis, Tennessee. On January 18, 2005, Martin informed Greyhound that she would be unable to attend. Greyhound served a second notice of deposition on Martin on January 21, 2005. This deposition was scheduled to take place on February 10, 2005. Again, on February 7, 2005, Martin contacted counsel for Greyhound and stated that she would not be able to appear at the deposition. It was agreed that the deposition would re-scheduled for February

22, 2005. Finally, on February 21, 2005, Greyhound received a telephone call from Martin in which she stated that an attorney informed her that she did not need to appear at the scheduled deposition.

Greyhound has filed this motion seeking an order compelling Martin to appear for her deposition. Greyhound also requests that the court grant it relief from the Scheduling Order if Martin's testimony reveals the need to take additional discovery depositions.

Pursuant to Local Rule 7.2(a)(2), responses to motions in civil cases are to be filed within fifteen days after service of the motion. Martin has not filed a response to this motion, and the time for responding has now expired. Rule 7.2(a)(2) further provides that "[f]ailure to respond timely to any motion, other than one for requesting dismissal of a claim or action, may be deemed good grounds for granting the motion."

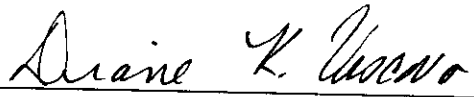
In the absence of any response by Martin, Greyhound's motion to compel Martin's deposition is granted. Accordingly, the court orders that Martin appear for her deposition at a date, time, and place of Greyhound's choosing.

Martin is warned that, henceforth, failure to comply with proper discovery requests, including a notice of deposition, or failure to comply with orders of this court will lead to dismissal

of her complaint and/or other appropriate sanctions.

The Scheduling Order in this case sets the deadline for completing all discovery as May 23, 2005, and the deadline for filing of dispositive motions as June 20, 2005. Greyhound has requested that they be granted relief from these dates in the event that Martin's testimony at her deposition reveals the need to take additional discovery depositions. Given the short amount of time between the date of this order and the deadline for discovery, it may be difficult for Greyhound to find a convenient date in which to depose Martin until after the close of discovery. Therefore, the deadline for the completion of all discovery is extended thirty (30) days until June 22, 2005. The deadline for dispositive motions is also extended thirty (30) days until July 20, 2005. All other deadlines established in the scheduling order remain the same at this time.

IT IS SO ORDERED this 2nd day of May, 2005.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 27 in case 2:04-CV-02413 was distributed by fax, mail, or direct printing on May 3, 2005 to the parties listed.

Christopher W. Cardwell
GULLETT SANFORD ROBINSON & MARTIN
315 Deadrick St.
Ste. 1100
Nashville, TN 37219--888

Dorothea P. Martin
1750 Rollingwood Dr.
P.O. Box 4263
Tupelo, MS 38803

Mary Taylor gGallagher
GULLETT SANFORD ROBINSON & MARTIN
315 Deaderick St.
Ste. 1100
Nashville, TN 37219--888

Honorable Samuel Mays
US DISTRICT COURT